



AUSTRALIAN
CONSTRUCTORS
ASSOCIATION

Applying 'Fair & Just Culture' Principles in Decision Making



The below document is adapted from the work of James Reason and Patrick Hudson. For further information, please see the references to their work at the appendix of this document.

Applying 'Fair & Just Culture' Principles in Decision Making

1. What is a *Fair & Just Culture*?

A *Fair and Just Culture* refers to a way of safety thinking that promotes a questioning attitude, is resistant to complacency, is committed to excellence and fosters both personal accountability and corporate self-regulation in safety matters.

A *Fair and Just Culture* creates an atmosphere of trust in which people are encouraged for providing essential safety related information, but in which they are also clear about where the line must be drawn between acceptable and unacceptable behaviour.

A *Fair and Just Culture* has to be applied with the knowledge that:

- All management systems can be improved,
- People can and do make mistakes,
- People/groups at all levels may develop unhealthy/unsafe patterns of behaviour, and
- Reckless conduct will not be tolerated.

2. Principles of a *Fair & Just Culture*

A *Fair and Just Culture* balances the need to have a non-punitive reporting and continuous learning environment (i.e. an environment that is not focused on attributing blame and administering punishment), with the need to hold persons accountable for their actions.

In a *Fair and Just Culture*, behaviours may fall below expectation however employees may not always be in the wrong as there may be underlying work culture factors or system deficiencies affecting individual or group decision-making.

A *Fair and Just Culture* recognises that there will be situations where safety behaviours fall below expectation and it provides a managed process (with appropriate support) for dealing with such issues transparently and equitably.

A *Fair and Just Culture* seeks to improve the overall organisational culture and the safety performance of the organisation by means of behavioural and/or system modification. It also encourages employees to take greater personal responsibility for their actions.

Additionally, it recognises that firm actions might need to be taken in circumstances where, despite the knowledge of company safety practices and/or clear instruction given, inappropriate behaviours are still evident.

A *Fair and Just Culture* therefore should:

- focus attention predominately at identifying and addressing the system/organisation factors that impact reliability and performance,

- provide an atmosphere of trust in which people are encouraged for providing essential safety- related information (e.g. incident, hazard and near miss reports) in order to build and maintain a healthy reporting culture, and
- clearly define where the line is drawn between acceptable and unacceptable behaviour.

3. Utilising these Principles in Decision Making

Utilising *Fair and Just Culture* principles in decision making and consequence management requires an understanding of human factors in relation to incident investigation. This includes defining positive outcomes, while at the same time clearly delineating the boundaries of acceptable and unacceptable behaviours to ensure that:

- Incidents that result from honest mistakes and failures in human reliability are not punished, but rather acknowledged as failures in the organisations defenses,
- Reckless actions and violations are not tolerated and are treated appropriately,
- The development and ongoing support of healthy reporting, learning and informed cultures is maintained.

A *Fair and Just Culture* is an appropriate mechanism for dealing with both operating system improvements and individual/group behaviour modification as an outcome of investigations into actual or potential damaging incidents.

In the event of a damaging incident, near miss or identified risk to safety, the *Fair and Just Culture* approach for consequence management allows a clear and understandable approach between the two extremes of punitive and blame-free cultures.

Below is a *Fair and Just Culture Decision Chart* to enable managers at various levels of an organisation to apply the principles of a *Fair and Just Culture* in their incident investigation and decision making process.

4. Fair and Just Culture Decision Chart

Recognition
 Coaching
 Initiate Discipline

Behaviour Type ➔	Exceptional Behaviour	Expected Behaviour	Unintentional Behaviour(slip, lapse, or mistake	Routine Violation	Situational Violation	Organisational Optimising Violation	Personal Optimising Violation	Reckless Violation
Team Member Behaviour START ➔	Did the team member go above and beyond call of duty? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were all procedures and instructions followed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the team member think they were doing things the right way? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do other team members normally not follow safety procedures in the same way? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the team member think the procedure was a barrier to getting the job done? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the team member think there was some benefit for the company by doing the job a different way? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the team member vary from the procedure to make it easier for themselves? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the team member intentionally not follow the procedure without thinking or caring about the consequences? <input type="checkbox"/> Yes
Team Member Consequence	<ul style="list-style-type: none"> <input type="checkbox"/> Recognition of reward. <input type="checkbox"/> Record on employee file. <input type="checkbox"/> Communication to wider team. <input type="checkbox"/> Copy to supervisor. 	<ul style="list-style-type: none"> <input type="checkbox"/> No action required. 	<ul style="list-style-type: none"> <input type="checkbox"/> Does this happen often? (if yes, routine error & record for trend analysis) <input type="checkbox"/> Record type of error on file (incident management Database) <input type="checkbox"/> Coach person on taking more care. 	<ul style="list-style-type: none"> <input type="checkbox"/> Coach team members on importance of following correct procedures and not taking short cuts. <input type="checkbox"/> Record on file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Coach the team members on speaking up when procedures cannot be followed and delaying the job until it can be completed safely. <input type="checkbox"/> Record on file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Coach the team member on balancing work and time pressure with company values. Consider disciplinary measures where appropriate. <input type="checkbox"/> Record on employee file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Formal disciplinary action in accordance with relevant procedures. <input type="checkbox"/> Consider suspension until further action required. <input type="checkbox"/> Record on employee file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Formal disciplinary action in accordance with relevant procedures. <input type="checkbox"/> Consider suspension until further action required. <input type="checkbox"/> Record on employee file.
Supervisor / Manager Behaviour START ➔	Did the supervisor / manager also exhibit exceptional behaviour? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the supervisor / manager lead by example by complying with procedures and instructions? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager supervising think the task was being completed in the required manner? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager normally ensure work is completed in the appropriate and correct manner? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager know the procedure was a barrier to getting the job done however managed the matter appropriately? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager authorise shortcuts or other non-approved methods thinking this was a benefit for the company? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager manage the variance / behaviour on this or previous occasion? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did the supervisor / manager condone the actions of the team member? <input type="checkbox"/> Yes
Supervisor / Manager Consequence	<ul style="list-style-type: none"> <input type="checkbox"/> Recognition or reward. <input type="checkbox"/> Record on employee file. <input type="checkbox"/> Communicate to wider team. <input type="checkbox"/> Copy to supervisor. 	<ul style="list-style-type: none"> <input type="checkbox"/> No action required. 	<ul style="list-style-type: none"> <input type="checkbox"/> Does this happen often? (if yes, routine error & record for trend analysis) <input type="checkbox"/> Record type of error on file. <input type="checkbox"/> Coach employee on taking more care. 	<ul style="list-style-type: none"> <input type="checkbox"/> Coaching on how to monitor & enforce procedures. <input type="checkbox"/> Safety leadership skills training. <input type="checkbox"/> Record on file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Coaching on how to monitor & enforce procedures. <input type="checkbox"/> Safety leadership skills training. <input type="checkbox"/> Record on file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Consider H & S leadership training. <input type="checkbox"/> Formal disciplinary action in accordance with relevant procedures. <input type="checkbox"/> Record on employee file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Formal disciplinary action in accordance with relevant procedures. <input type="checkbox"/> Coaching on how to recognise and deal with such behaviour earlier. <input type="checkbox"/> Record on employee file. 	<ul style="list-style-type: none"> <input type="checkbox"/> Formal disciplinary action in accordance with relevant procedures. <input type="checkbox"/> Consider suspension until further action required. <input type="checkbox"/> Record on employee file.

APPENDIX - Reference List

Roadmap to a Just Culture
Enhancing the Safety Environment
James Reason, 2004

Shell Hearts and Minds Project
Hudson's Refined Just Culture Model
Patrick Hudson 2004